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Before the
Federal Communications Commission
 Washington, D.C. 20554

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In the Matter of)

 Amendment of Section 73.3526(d)
 of the Commission's Rules and
 Regulations (47 C.F.R. 3526(d)))

RM-_____

TO: The Full Commission

PETITION FOR RULE MAKING

Lauren A. Colby, Attorney, hereby respectfully requests
 the full Commission to modify Section 73.3526(d) of its Rules to
 read as follows:

"(d) Location of records. The file shall be maintained at the main studio of the station, or in the case of an application for a new station, at any accessible place (such as a public library, public registry for documents or an attorney's office), in the community to which the station is proposed to be licensed. In the case of an application for change of community of license of an existing station, copies of the application file shall be maintained both at the station's main studio and at an accessible place in the community to which the station is proposed to be moved. The file shall be available for public inspection at any time during regular business hours."

In support thereof, it is alleged:

1. Section 73.3526 of the Commission's Rules requires all broadcast licensees to maintain a local public inspection file. Section 73.3526(d), in turn, specifies where the file is to be

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located. The language of the Rule, as currently written, requires that the file be located at the main studio if the main studio is located within the community of license; otherwise, the file is to be maintained at some accessible location within the community of license, itself.

2. This creates a number of problems. First, the Rule provides no mechanism for a member of the public to know the location of the file. In the case of an application for a new station, an advertisement must be published in a local newspaper which notifies the public of the location of the file. There is, however, no comparable provision for an existing station to notify the location of its file. Commonly a member of the public will assume that the file is at the station's main studio and will come to the main studio to see the file, only to be told that it isn't there; that it is at some other location in the community of license. This makes for a waste of time on the part of persons seeking to see the file.

3. Second, as a result of the FM allocations in Docket 80-90, a rather large number of stations have now been allocated to extremely small communities where there are no suitable places to maintain the file. The undersigned has encountered numerous situations of this sort where, to comply literally with the requirement to place the file in the community of license, it has been necessary to locate the file in private homes or weird places such as gasoline filling stations, funeral parlors, plant nurseries, etc.

4. Finally, the language of the Rule, as presently written, is confusing to lay persons because, while the Rule was competently written (obviously by an attorney), the draftsman was obliged to take into account the special circumstance of an "authorization granted under Section 73.1124(a) of the Rules prior to July 16, 1987". This makes the Rule difficult to read and comprehend. The undersigned can attest that very few broadcasters understand that the public file can't be located at their main studio, if that studio is not located within the community of license. Thus, there is widespread non-compliance.

5. The time has come to modernize Section 73.3526(d) of the Rules and to make it conform to current conditions in the radio industry. Those conditions include widespread consolidation of stations pursuant to the recent changes in the Commission's multiple ownership rules and the current widespread use of local marketing agreements.

6. Recently the Commission has vigorously enforced its main studio rule and has made it clear that each station must have a main studio that is attended during regular business hours. It makes sense for enforcement of the local public file rule to parallel the Commission's enforcement efforts in the area of the main studio rule, i.e., if each station is to be required to have a working main studio, located within its principal city contour and attended during regular business hours, it makes sense for the local public file to be situated at that main studio. The public will always know the location of the main studio because, inter

alia, the Commission requires each licensee to have a toll free telephone number listed in the community of license which can be used to contact the station. Thus, by using the telephone number, a member of the public can always determine the location of the main studio where the file can be found. Furthermore, the enforcement efforts of the Commission's field offices will be facilitated, since one inspection at one location will suffice to demonstrate compliance with both the main studio and local file requirements.

7. The rule changes proposed herein are purely administrative and interpretive. Consequently, they can be adopted without a formal rule making proceeding. Making these rule changes will eliminate widespread confusion concerning the requirement for the location of the public file and will insure that members of the public can easily find the file at its most logical place, i.e., at the station's main studio. Additionally, clarifying language is proposed, making it clear that, where there is an application to change the location of an existing station, copies of the application should be maintained at both the station's main studio and in the proposed community of license.

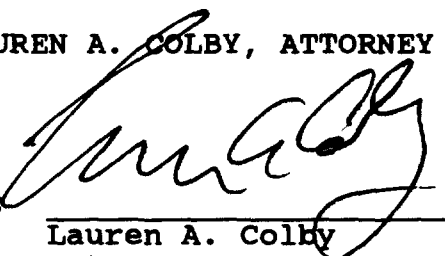
August 19, 1993

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Respectfully submitted,

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By:


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